

1965

The SPEAKER. Without objection, it is so ordered.

There was no objection.

Bill file
A PRESIDENTIAL SUCCESSION
AMENDMENT

(Mr. MONAGAN asked and was given permission to address the House for 1 minute, to revise and extend his remarks, and include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, I want to say, again, that Congress must face up to the responsibility of providing for the effective determination of Presidential and Vice-Presidential inability and succession. For this reason I have again filed a bill—House Joint Resolution 158—a copy of which I attach herewith, and which I believe will eliminate in the future uncertainties that have been with us on too many occasions.

Weaknesses in the present provisions for executive succession were once more brought into sharp focus following the assassination of President Kennedy. The absence of provision for filling the vacated office of Vice President caused a period of international uncertainty which remained with us from November 22, 1963 to January 20, 1965. While these questions are not new to us—witness the Wilson inability—our most recent experience highlights the need for positive action during this session of Congress. We cannot afford the hazard of further delay.

All of us are aware, I am sure, that no less than eight Vice Presidents have taken over the office of President upon the death of incumbent Presidents since 1841. This means that for nearly one-fifth of the history of the country, the Nation has been without a Vice President.

The joint resolution which I have filed for action by the 89th Congress is similar to legislation which I proposed in the 88th. It provides that in the event of the removal of the President from office or of his death or resignation, the Vice President shall become President for the unexpired term. Within 30 days after such succession, the new President would nominate a Vice President who would take office upon confirmation by the House and Senate. A majority of those Members present and voting would be required for the confirmation. Similar action would be taken in the event of removal, death, or resignation of the Vice President. Should the President declare his inability to serve in writing, he would be succeeded by the Vice President, and this succession would be automatic. In the absence of such declaration in writing, the Vice President could assume the duties and powers of Acting President with the written approval of the majority of the heads of the executive departments in office. Should there be controversy, it would be resolved by a majority vote of the Congress.

In the absence of a President and Vice President, the order of succession to the Presidency would be from the members of the Cabinet, as follows: Secretary of State, Secretary of Treasury, Secretary of Defense, Attorney General, Postmaster General, Secretary of Interior, Secretary of Agriculture, Secretary of Commerce,

Secretary of Labor, Secretary of Health, Education, and Welfare.

Mr. Speaker, the issue of Presidential and Vice-Presidential inability and succession is one of the most challenging before the Nation. It was of sufficient import to merit recommendation by President Johnson in his state of the Union message for action in this session.

In further support of my proposal, I include an editorial from the Meriden, Conn., Journal, of April 27, 1964. I also include an editorial from the Hartford, Conn., Times of January 15, 1965, on the same subject.

[From the Meriden Journal, Apr. 27, 1964]
PRESIDENTIAL SUCCESSION

A nation without a presidential backup in the form of a vice president is a nation in danger of confusion and dismay in the event its chief executive is removed by death or incapacitated by illness or accident.

The United States today is in this position, lacking a Vice President and encumbered with a system of Presidential succession which would be bound to place an aged, possibly an infirm man at the helm.

To change the system, even if Congress can agree upon a plan, will be bound to take a great deal of time. Congress, giving its attention to other pressing matters, does not seem disposed to consider a matter which is possibly the most pressing of all.

Representative JOHN S. MONAGAN, Democrat, of Connecticut, has introduced a joint resolution proposing an amendment to the Constitution which, he argues, would "fit current conditions as well as future uncertainties."

The Monagan bill provides, as at present, that in the event of the removal of the President from office, or of his death or resignation, the Vice President shall become President for the unexpired term. Within 30 days thereafter, the new President would be required to nominate a Vice President who would take office upon confirmation by the House and Senate. A majority of those present and voting would be required for confirmation. Similar action would be taken in the event of removal, death, or resignation of the Vice President. The bill also would establish procedure for the Vice President to succeed the President as Acting President if the President were unable to serve. Should the President declare his inability to serve in writing, the succession would be automatic; in the absence of such a declaration, the Vice President could assume the duties and powers of Acting President with the written approval of a majority of the heads of the executive departments in office.

Should there be a controversy, it would be resolved by a majority vote of the Congress. In the absence of a President or Vice President, the order of succession to the Presidency would be from the members of the Cabinet in this order: Secretary of State, Secretary of Treasury, Secretary of Defense, Attorney General, Postmaster General, Secretary of the Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor, Secretary of Health, Education, and Welfare.

The plan is simple; it seems to foresee every possible contingency. We like it better than any of the other plans offered to date.

The long process of amending the Constitution requires the approval of two-thirds of both Houses and ratification by the legislatures of three-fourths of the States. There is no feasible shortcut.

In the more than 6 months between now and the next election, anything could happen. President Johnson is not a cautious man, and in spite of the precautions erected around him, he often exposes himself in an unsafe manner, while mingling with crowds. He drives his car at high speeds when he

visits his Texas ranch. Some years ago, he suffered a serious heart attack. He works long hours and gets a minimum amount of sleep. His life, it is apparent, is full of more than normal risks.

Next November, a new Vice President will be elected, and the country will breathe more easily. But the faults of the present system of presidential succession will remain.

Congress should approve a better plan of succession during the present session, and should start it on its way toward becoming a part of the Constitution.

Representative MONAGAN's bill should receive the attention which it deserves. He has done a real service to the country in proposing it.

[From the Hartford Times, Jan. 15, 1965]
PRESIDENTIAL SUCCESSION

Congressman JOHN S. MONAGAN, of Connecticut's Fifth Congressional District, proposes an amendment to the Constitution that would guarantee the presidential succession in the President's inability to serve.

Mr. MONAGAN's proposal provides that the succession proceed through the Vice President to the members of the Cabinet in the order of seniority of their departments. A President could declare himself in writing to be unable to serve, or in the absence of such a declaration the Vice President could assume the duties of Acting President with the written approval of a majority of the heads of executive departments. Controversies, the resolution provides, would be resolved by a majority vote of the Congress.

It's a good idea and has the advantage of being simple. It will probably be criticized for proposing a change from the present line of succession—Vice President to Speaker of the House—which keeps the office in the hands of an elected official, not an appointed one.

But Mr. MONAGAN says that there have been times (the Eisenhower administration, for example, when Sam Rayburn was Speaker) when the President and the Speaker were not members of the same party. A change of party in time of national crisis might be too upsetting for the country to endure. There's another objection to the Speaker as heir, too—the Speaker is usually an old man, for it takes many years for him to attain that office.

As for the Speaker being an elected official, there is the point that he is not elected President but only a Member of Congress. His fellow Congressmen, not his constituents, elect him Speaker.

This and other proposals to safeguard the succession should be explored thoroughly—now, while there is no hurry.

H.J. Res. 158

Joint resolution proposing an amendment to the Constitution of the United States relating to succession to the Presidency and Vice-Presidency and to cases where the President is unable to discharge the powers and duties of his office

Resolved by the Senate and House of Representatives of the United States of America in Congress assembled (two-thirds of each House concurring therein), That the following article is proposed as an amendment to the Constitution of the United States, which shall be valid to all intents and purposes as part of the Constitution when ratified by the legislatures of three-fourths of the several States:

"ARTICLE —

"SECTION 1. In case of the removal of the President from office, or of his death or resignation, the Vice President shall become President for the unexpired portion of the then current term. Within a period of thirty days thereafter, the new President shall nominate a Vice President who shall take office upon confirmation by both Houses of

Congress by a majority of those present and voting.

"Sec. 2. In case of the removal of the Vice President from office, or of his death or resignation, the President, within a period of thirty days thereafter, shall nominate a Vice President who shall take office upon confirmation by both Houses of Congress by a majority vote of those present and voting.

"Sec. 3. If the President shall declare in writing that he is unable to discharge the powers and duties of his office, such powers and duties shall be discharged by the Vice President as Acting President.

"Sec. 4. If the President does not so declare, the Vice President, if satisfied that such inability exists, shall, upon the written approval of a majority of the heads of the executive departments in office, assume the discharge of the powers and duties of the office as Acting President.

"Sec. 5. Whenever the President makes public announcement in writing that his inability has terminated, he shall resume the discharge of the powers and duties of his office on the seventh day after making such announcement, or at such earlier time after such announcement as he and the Vice President may determine. But if the Vice President, with the written approval of a majority of the heads of executive departments in office at the time of such announcement, transmits to the Congress his written declaration that in his opinion the President's inability has not terminated, the Congress shall thereupon consider the issue. If the Congress is not then in session, it shall assemble in special session on the call of the Vice President. If the Congress determines by concurrent resolution, adopted with the approval of two-thirds of the Members present in each House, that the inability of the President has not terminated, thereupon, notwithstanding any further announcement by the President, the Vice President shall discharge such powers and duties as Acting President until the occurrence of the earliest of the following events: (1) the Acting President proclaims that the President's inability has ended, (2) the Congress determines by concurrent resolution, adopted with the approval of a majority of the Members present in each House, that the President's inability has ended, or (3) the President's term ends.

"Sec. 6. (a) (1) If, by reason of death, resignation, removal from office, inability, or failure to qualify, there is neither a President nor Vice President to discharge the powers and duties of the office of President, then the officer of the United States who is highest on the following list, and who is not under disability to discharge the powers and duties of the office of President, shall act as President: Secretary of State, Secretary of Treasury, Secretary of Defense, Attorney General, Postmaster General, Secretary of Interior, Secretary of Agriculture, Secretary of Commerce, Secretary of Labor, Secretary of Health, Education, and Welfare, and such other heads of executive departments as may be established hereafter and in order of their establishment.

"(2) The same rule shall apply in the case of the death, resignation, removal from office, or inability of an individual acting as President under this section.

"(3) To qualify under this section, an individual must have been appointed, by and with the advice and consent of the Senate, prior to the time of the death, resignation, removal from office, or inability of the President and Vice President, and must not be under impeachment by the House of Representatives at the time the powers and duties of the office of President devolve upon him.

"(b) In case of the death, resignation, or removal of both the President and Vice President, his successor shall be President until the expiration of the then current presi-

dential term. In case of the inability of the President and Vice President to discharge the powers and duties of the office of President, his successor, as designated in this section, shall be subject to the provisions of sections 3, 4, and 5 of this article as if he were a Vice President acting in case of disability of the President.

"(c) The taking of the oath of office by an individual specified in the list of paragraph (1) of subsection (a) shall be held to constitute his resignation from the office by virtue of the holding of which he qualifies to act as President.

"(d) During the period that any individual acts as President under this section, his compensation shall be at the rate then provided by law in the case of the President.

"Sec. 7. This article shall be inoperative unless it shall have been ratified as an amendment to the Constitution by the legislatures of three-fourths of the several States within seven years from the date of its submission."

THE SUPEREXPRESS OF DREAMS

Mr. MONAGAN asked and was given permission to extend his remarks at this point in the Record, and to include extraneous matter.)

Mr. MONAGAN. Mr. Speaker, one of the unsolved problems which faces our country today is the proper management and operation of our public transportation systems. President Johnson forcefully pointed this out in his state of the Union address.

One of the needs of the country is an adequate rail passenger transportation system from Boston to Washington. That this system need not remain a dream has been demonstrated in other countries throughout the world. The most recent demonstration was begun October 1, 1964, in Japan where the Japanese National Railways initiated regular service for the 320-mile distance between Tokyo and Osaka. The bullet train which operates for this distance makes the run in 4 hours, with stops at Kyoto and Nagoya. Although the present run is made at an average speed of 80 miles an hour, it is planned eventually to cover the run in 3 hours at an average pace of 107 miles per hour.

Some of the features of this record-making train trip were set forth by E. J. Kahn, Jr., in an article which appeared in the New Yorker of November 21, 1964. For the information of those who seek to improve our transportation system, I include Mr. Kahn's article at this point:

THE SUPEREXPRESS OF DREAMS

(By E. J. Kahn, Jr.)

KYOTO, JAPAN.—It is rare these days for a full-fledged airline to be glum about the speed of a railroad train, but that has been the situation lately in Japan. Since October 1, when the National Railways Japanese started regular service between the nation's two largest cities, Tokyo and Osaka, with what the National Railway Japanese formally calls the bullet train and newspapers here have informally called the super-express of dreams, the airlines operating on the same run have canceled several flights and, instead of increasing their fares, as they had planned to, have been muttering about decreasing them. As the bullet train flies, Tokyo and Osaka are 320 miles apart. Counting driving time between downtown areas and airports, travel by air between the two metropolises takes, in the best of circum-

stances, 2½ hours. The bullet train, even with stops at Kyoto and Nagoya, covers the distance in 4. That's just for now, though. The train has a potential top speed of a hundred and fifty-nine miles per hour, but until the road-bed over which it zooms has settled, it is being held down to a maximum of a hundred and thirty-one. There hasn't been much attention paid to the super-express of dreams, even in Japan. The start of scheduled service occurred only 9 days before the start of the Olympics, from which it was hard to divert local attention, but most Japanese are by now proudly aware that, come next year, this latest product of their ingenuity is slated to cover the run in a flat 3 hours, at an average pace, the two stops notwithstanding, of a hundred and seven miles an hour. Some Japanese who were disappointed at their country's not having won any gold medals for speed in the games are now cheerfully reflecting that, in the year of the XVIII Olympiad, at least they have shown their heels to the rest of the world when it comes to rail transit.

An English-language magazine in Tokyo noted the other day, "The progress of railway in Japan is most amazingly rapidity." Japan didn't have any trains at all until 1872. Today, it has many, and they tend to be extremely crowded. Forty percent of the country's population and 70 percent of its industry are in the area served by the Tokyo-Osaka line, but until last month the only railroad connecting the two cities was a narrow-gauge double-tracked line. The old trains were rapid enough by Western standards—they rattled along, and still rattle along, at speeds as high as 80 miles per hour—but the need for a new, faster through route had been foreseen for a good while. In 1959, the National Railways began construction of a standard-gauge double-track line, with very gentle curves to accommodate really swift trains. The engineers used rail that was welded into 5,000-foot sections and attached by means of metal mountings, called chairs, to ties of pre-stressed concrete. To hug these rails suitably, new electric trains with a very low center of gravity and a special pneumatic suspension system were built, and painted in dashing horizontal bands of blue and white. Each of the 30 bullet trains consist of 12 cars—2 buffet, 2 first class, and 8 second class, with an engineer's cab in the car at either end. Each train is an extra-fare proposition, and all seats are reserved—a comparatively startling idea in Japan, where standees sometimes fight for enough shoe space. Each train runs on a split-second schedule—its speed being subject to automatic control from signals along the line. An emergency stop can gum things up wildly. A couple of weeks ago, a super-express halted unexpectedly at a station along its route to let off a child suffering from what a doctor aboard had diagnosed as a ruptured appendix, and this humanitarian pause so upset the train's schedule that it was delayed for an hour and a half. (At last report, however, the sick child was doing nicely.)

After the Olympics ended, I decided to leave the furor of Tokyo for the relative tranquility of Kyoto, and I booked a seat on a 10 a.m. southbound train on the new line. There are 28 bullet train runs a day in each direction, departing on the hour and on the half hour between 6 a.m. and 8 p.m. The fastest trains are those that leave on the hour, making only the stops at Nagoya and Kyoto, and that are classified as "hikari," which means "light." (At home, I most frequently ride on commuter trains, which can ordinarily be classified as murky and disagreeable at best.) The trains that leave on the half hour are called Kodama, or Echo, and take an extra hour for the trip, but since they make eight additional stops, they can hardly be accused of pokiness.

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be the determining factor there, or in some of the other sectors of the world.

It is to a degree puzzling that those who at one time talked of full commitment of U.S. resources and personnel to almost every struggling nation of the world, now talk of withdrawing—in effect preaching the isolationism they so vigorously condemned just a few years ago.

I suggest that withdrawal of U.S. forces would not leave South Vietnam for the Vietnamese. Nor would it leave Asia for the Asians. It would leave Asia at the mercy of the Chinese Communists. With 700 million restless people, the Chinese Reds might welcome the diversion an all-out Communistic crusade in Asia would offer. No greater stimulus to such a drive could be offered than U.S. withdrawal from Vietnam.

Our sticking to the job in Vietnam is necessary to preserve our world respect. A few years ago, it was announced that we would begin withdrawing troops from Vietnam as the situation there was supposed to have improved. Just last week, we hit the 20,000 level in U.S. personnel—considerably more than 2,000 men we had when the announcement of the drawback was made in 1961. We further have urged that the South Vietnamese Government add 100,000 men to its commitment, bringing their total to 660,000.

We are now heavily engaged in Vietnam. A withdrawal would indicate to the world that the United States has neither the weaponry nor the stamina to meet the Communist threat of aggression head-on. A withdrawal would jeopardize our respect all over the world. Who could believe that we really mean it when we pledge full support, if we abandon the Vietnamese to the Reds?

I feel it is important that we Members of the Congress who have a deep and abiding concern for our Nation's future, point out that the new isolationist thinking is not that of the majority of Congress, and I am certain not that of the American people.

President Johnson in his state of the Union message said that the United States will continue to honor its commitment to freedom in Vietnam. I want to assure the President that I fully support this principle, and believe that my fellow Republicans also are behind any program to make a decisive effort to defeat the Vietcong and assure the future freedom and sovereignty of South Vietnam.

ANOTHER VICIOUS ATTACK AGAINST U.S. PROPERTY

Mr. SCHWEIKER (at the request of Mr. DEL CLAWSON) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. SCHWEIKER. Mr. Speaker, once again Americans are swallowing hard as they receive news of yet another vicious attack directed against U.S. property in a country into which our Nation has poured countless millions in aid. This time it was a rioting mob burning books at a U.S. Information Agency Library in South Vietnam. Not long ago, similar

vicious attacks occurred against U.S. diplomatic missions and libraries in a number of other countries which we have assisted, including Egypt and Indonesia.

As a concerned Member of Congress, I believe it is time the Government of our country speaks out in a firm voice regarding these actions, but even more important that we offer to the world, through the United Nations, constructive suggestions which might help avoid such incidents in the future.

A few weeks ago, I wrote the President expressing my grave concern and alarm with recent unjustified attacks and outlining a course of action. It is still my hope that the President will personally take more effective action in this field than we have witnessed to date. For the information of my colleagues, I am today inserting in the Record a copy of my proposals to the President:

DECEMBER 9, 1964.

THE PRESIDENT,
The White House,
Washington, D.C.

DEAR MR. PRESIDENT: The citizens of my district, as all American citizens, note with grave concern and alarm the recent unwarranted attacks upon U.S. embassies and legations abroad.

This unlawful practice of reckless destruction, which seems to have increased during the past few years, has not received the attention and strong response which it clearly deserves. By appearing to condone these actions in the past, we have allowed them to increase without justification. Such actions are an affront and an injury to the pride of all Americans.

These practices are not consistent with our traditions of accepting the presence of foreign embassies and legations in our own Nation regardless of our attitude toward the foreign policies and programs which these nations may choose. Nor are such acts of violence consistent with the inviolate protection to be accorded foreign embassies under existing international treaties and international law.

As the friendly hosts to the United Nations, and as good neighbors to all peoples of the world, Americans view with dismay the action taken in those countries where the United States has become the target of uncontrolled demonstrations and riots. These attacks have caused extensive damage to our embassies and have resulted in the harassment of embassy staff members abroad, as well as related destruction of personal property belonging to American citizens.

To all Americans and to people of good will throughout the world this injury is more than physical.

Many incidents have occurred, but I need draw your attention to but one of these to emphasize my feelings.

The new John F. Kennedy Library in Calro, Egypt, with 27,000 books was one of the finest libraries in that city. It was appreciated, needed, and used beneficially by many Egyptian students. The mob-fired blaze which destroyed most of the volumes and buildings of this library destroyed also a symbol of the good will and willingness of the American people to help people in the developing nations abroad. Its destruction injures directly the memory of a great man, our late President, who believed deeply in the importance of learning as a way to find the wisdom needed by all nations and their leaders in a difficult and too often unknowledgeable age.

Peaceful public demonstrations certainly have a justifiable place in all democratic societies. They draw our attention to exist-

ing injustices and hasten the day when these injustices may be corrected. But wanton destruction of diplomatic buildings and centers of learning cannot be justified as an appropriate form of peaceful demonstrations.

I believe some of these outbreaks to be part of a coordinated effort by Communist groups and other extremist groups in foreign nations to fan a "hate the United States" attitude among people who look to our country as a leader of the free world and as a source of assistance.

As a foreign policy matter, we cannot and should not condone such activities.

As a first step in response to these actions, I believe it would be advisable and opportune for you, as President, to articulate now on behalf of the American people our Nation's extreme disgust and displeasure with such practices, and also our view that each nation is responsible for controlling and curbing such outbursts which result in violence and destruction against the property of foreign embassies.

As a second step, I would respectfully suggest you formally request the United Nations General Assembly, presently convened in the city of New York, to place on its agenda for consideration and review the existing international treaties and consular conventions which deal with these questions. The General Assembly through its appropriate committees could then determine what steps might be taken under United Nations law to assure protection of foreign embassies and consulates so that these properties remain inviolate again citizen attack. The appropriate United Nations committee might consider drafting a new convention, or amending existing agreements so that the responsibility of host nations in protecting the inviolate character of embassy property might be clarified.

I believe that the international relations between all nations would be substantially improved by creating a definite standard of responsibility to be adopted by all nations for securing such protection. These standards could best be adopted by placing this task with the United Nations which through its deliberations and recommendations could establish standards of behavior and responsibility to which all nations would be expected to adhere.

I offer this recommendation as a concerned Member of Congress, believing it is time the Government of our country speak out in a firm voice regarding these actions, but even more important that we offer to the world, through the United Nations, constructive suggestions which might help to avoid such incidents in the future.

Sincerely,

RICHARD S. SCHWEIKER,
Member of Congress.

PRESIDENTIAL SUCCESSION

(Mr. FASCELL (at the request of Mr. EVANS of Colorado) was granted permission to extend his remarks at this point in the Record and to include extraneous matter.)

Mr. FASCELL. Mr. Speaker, whenever one of our Presidents becomes ill or dies there is invariably a flurry of concern about clarifying our laws so that we may be able to deal more effectively with such situations than we have in the past. Thus far such flurries have not resulted in action.

President Garfield lay unconscious for most of 80 days after he had been struck by an assassin's bullet. During that time the country was without a President even though the Constitution provides that when the President is unable to carry

out his duties the Vice President is to take over. It does not, however, say whether he is to become President or merely act as President. It does not say whether he is to take over until the end of the term or only until the President again becomes able. It does not say who will decide when such a disability begins and ends.

Because there is so much doubt about the law, Garfield's Vice President, Chester Arthur, did nothing. The doubt also dissuaded Vice President Marshall from acting during President Wilson's 18-month illness. The voluntary agreement between President Eisenhower and Vice President Nixon was not worked out until after the President had recovered from his last illness, too late for it to be useful. In any case, there is general agreement that a Vice President acting on the basis of a voluntary agreement cannot have the full confidence of the people. Only an amendment to the Constitution can provide the necessary air of legitimacy.

After each of these incidents, the problems of Presidential inability and succession were explored but not until last year was there any semblance of agreement on a way to solve them. In January of 1964, at the call of the American Bar Association, a dozen of the Nation's leading legal scholars met in Washington, discussed the possible solutions and after 2 days emerged with a consensus subsequently endorsed by the American Bar Association house of delegates. If there be no objection, Mr. Speaker, I shall include the text of that consensus and a description of the circumstances under which it was reached at the end of my remarks.

Later in January the Senate Subcommittee on Constitutional Amendments began hearings on Presidential inability which continued in February and March. From those hearings and the many executive sessions which followed them, there emerged Senate Joint Resolution 139 of the 88th Congress which the Senate passed by a vote of 65 to 0 shortly before adjournment last year. It is that measure which I introduce today. Though it is essentially the same as House Joint Resolution 1103 which I introduced in the 88th Congress, there are some differences.

This proposed constitutional amendment would solve two problems. It would solve the problem of vacancies in the office of Vice President, which has existed on 16 different occasions for periods totaling more than 37 years, by directing the President to nominate a Vice President who shall take office upon confirmation by a majority of both Houses of Congress. With the inauguration of Vice President HUBERT HUMPHREY on January 20, 1965, we have a Vice President of the United States for the first time in 14 months.

It would solve the problem of presidential inability by directing the Vice President to discharge the powers and duties of the presidential office whenever the President declares in writing that he is unable to carry them out or, if the President does not so declare, whenever the Vice President, with a writ-

ten concurrence of a majority of the heads of the executive department or such other body as Congress may by law provide, transmits to Congress his written declaration that the President is unable to discharge his duties. In either case, the President shall resume his office whenever he transmits to Congress his written declaration that no inability exists, unless the Vice President, with a written concurrence of a majority of the heads of the executive departments, transmits to Congress, within 2 days, his written declaration that the President is unable to carry out his duties. In such a case, Congress is to decide the issue immediately and unless two-thirds of both Houses decide that the President is unable, the President shall resume the powers and duties of his office.

Although this measure differs slightly from the American Bar Association consensus, the consensus was not framed in terms of approval of specific constitutional language. I have been informed that the American Bar Association is supporting the measure even though its house of delegates has not had an opportunity to take an official position on it.

More recently the committee for economic development has issued a national policy statement on Presidential succession and inability. The principal difference between their recommendations and this measure is that they would permit disagreements between the President and Vice President on disability to be resolved by the Cabinet. The Cabinet decision would stand unless upset by the Congress through the impeachment process.

On one thing there is complete agreement. There is urgent need for immediate action. In these perilous times there can never be a moment's doubt about whose hand is responsible for running this country. The resolution I introduce today is the best solution I have yet seen. Even if it might be improved with a change here and there, I think this is the measure about which the deliberations of our Committee on the Judiciary should center and I urge that those deliberations begin quickly.

APPENDIX

(Prior to the national forum sponsored by the American Bar Association a conference was held on Presidential inability and succession in Washington, D.C. The following consensus and analysis resulted from that meeting.)

CONSENSUS

The conference on presidential inability and succession was convened by the American Bar Association at the Mayflower Hotel, Washington, D.C., on January 20 and 21, 1964. The conferees were Walter E. Craig, president, American Bar Association; Herbert B.ownell, president, Association of the Bar of the City of New York, and a former Attorney General of the United States; John D. Fierick, attorney, New York; Paul A. Freund, professor of law, Harvard University; Jonathan C. Gibson, chairman, standing committee on jurisprudence and law reform, American Bar Association; Richard H. Hansen, attorney, Lincoln, Nebr.; James C. Kirby, Jr., associate professor of law, Vanderbilt University, and a former chief counsel to the Subcommittee on Constitutional Amendments, Senate Judiciary Committee; Ross L. Malone, past president of the American Bar

Association, and a former Deputy Attorney General of the United States; Charles B. Nutting, dean of the National Law Center; Lewis F. Powell, Jr., president-elect, American Bar Association; Sylvester C. Smith, Jr., past president, American Bar Association; Martin Taylor, chairman, committee on Federal Constitution, New York State Bar Association; and Edward L. Wright, chairman, house of delegates, American Bar Association.

The members of the conference reviewed as a group the following statement at the close of their discussions. Although there was general agreement on the statement, the members of the conference were not asked to affix their signatures; and it should not be assumed that every member necessarily subscribes to every recommendation included in the statement.

The conference considered the question of action to be taken in the event of inability of the President to perform the duties of his office. It was the consensus of the conference that—

Agreements between the President and Vice President or person next in line of succession provide a partial solution, but not an acceptable permanent solution of the problem.

An amendment to the Constitution of the United States should be adopted to resolve the problems which would arise in the event of the inability of the President to discharge the powers and duties of his office.

The amendment should provide that in the event of the inability of the President the powers and duties, but not the office, shall provide upon the Vice President or person next in line of succession for the duration of the inability of the President or until expiration of his term of office.

The amendment should provide that the inability of the President may be established by declaration in writing of the President. In the event that the President does not make known his inability, it may be established by action of the Vice President or person next in line of succession with the concurrence of a majority of the Cabinet or by action of such other body as the Congress may by law provide.

The amendment should provide that the ability of the President to resume the powers and duties of his office shall be established by his declaration in writing. In the event that the Vice President and a majority of the Cabinet or such other body as Congress may by law provide shall not concur in the declaration of the President, the continuing inability of the President may then be determined by the vote of two-thirds of the elected Members of each House of the Congress.

The conference also considered the related question of presidential succession. It was the consensus that—

The Constitution should be amended to provide that, in the event of the death, resignation, or removal of the President, the Vice President or the person next in line of succession shall succeed to the office for the unexpired term.

It is highly desirable that the office of Vice President be filled at all times. An amendment to the Constitution should be adopted providing that when a vacancy occurs in the office of Vice President, the President shall nominate a person who, upon approval by a majority of the elected Members of Congress meeting in joint session, shall then become Vice President for the unexpired term.

REPEAL OF EXCISE TAX ON MUSICAL INSTRUMENTS

(Mr. BRADEMAS (at the request of Mr. EVANS of Colorado) was granted permission to extend his remarks at this

1965

CONGRESSIONAL RECORD — SENATE

1255

The VICE PRESIDENT. Without objection, it is so ordered.

RIVER BASIN PLANNING—ADDITIONAL COSPONSOR OF BILL

Mr. ANDERSON. Mr. President, I ask unanimous consent that the name of the senior Senator from Indiana [Mr. HARTKE] be added as a cosponsor to S. 21, the river basin planning bill which I recently introduced, and that his name be shown on the next printing of this measure.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDITIONAL COSPONSOR TO S. 618—A BILL FOR THE RELIEF OF NORA ISABELLA SAMUELLI

Mr. LONG of Louisiana. Mr. President, due to a clerical error, the name of the junior Senator from Rhode Island [Mr. PELL] was inadvertently omitted from S. 618, a bill for the relief of Nora Isabella Samuelli.

I therefore ask unanimous consent that the name of the junior Senator from Rhode Island be added as a cosponsor at the next printing of S. 618.

The VICE PRESIDENT. Without objection, it is so ordered.

ADDITIONAL COSPONSORS OF BILLS

Under authority of the orders of the Senate, as indicated below, the following names have been added as additional cosponsors for the following bills:

Authority of January 6, 1965:

S. 30. A bill to establish a National Economic Conversion and Diversification Commission, and for other purposes: Senators BARTLETT, BURDICK, CHURCH, GORE, INOUE, KENNEDY of New York, McGEE, METCALF, MONDALE, MOSS, MUSKIE, NEUBERGER, SCOTT, and YARBOROUGH.

Authority of January 7, 1965:

S. 316. A bill to provide for the establishment of the National Humanities Foundation to promote progress and scholarship in the humanities and the arts, and for other purposes: Senators BASS, BAYH, BURDICK, CLARK, DODD, DOUGLAS, FONG, GRUENING, HART, HARTKE, INOUE, McGEE, MCGOVERN, MCINTYRE, MONDALE, MONTOYA, MORSE, MOSS, MUSKIE, NELSON, NEUBERGER, RIBICOFF, TYDINGS, WILLIAMS of New Jersey, YARBOROUGH, and YOUNG of Ohio.

Authority of January 8, 1965:

S. 362. A bill to amend title 23 of the United States Code (relating to highways) in order to authorize appropriations to assist the States in the purchase of lands and easements for scenic purposes along Federal-aid highways: Senators CHURCH, FONG, GRUENING, HART, INOUE, NEUBERGER, RANDOLPH, and WILLIAMS of New Jersey.

Authority of January 12, 1965:

S. 438. A bill to protect the public health by amending the Federal Food, Drug, and Cosmetic Act to regulate the manufacture, compounding, processing, distribution, delivery, and possession of habit-forming barbiturate drugs, amphetamine, and other habit-forming central nervous system stimulant drugs, and other drugs that have a potential for abuse resulting in psychotoxic effects or antisocial behavior: Senators BUR-

DICK, FONG, HART, HARTKE, KENNEDY of New York, MONTOYA, RIBICOFF, and YARBOROUGH.

Authority of January 15, 1965:

S. 558. A bill to authorize the Secretary of Commerce to carry out certain programs to develop and expand foreign markets for U.S. products, and to provide more effectively for assistance in the financing of certain foreign sales which are affected with the national interest: Senators BARTLETT, LONG of Missouri, and PELL.

S. 559. A bill to regulate the labeling of cigarettes, and for other purposes: Mr. BENNETT.

Authority of January 19, 1965:

S. 576. A bill to encourage physicians and dentists who have received student loans under programs established pursuant to title VII of the Public Health Service Act to practice their professions in areas having a shortage of physicians or dentists: Mr. ALLOTT and Mr. LONG of Missouri.

NOTICE OF HEARING ON GOLD RESERVE REQUIREMENTS

Mr. ROBERTSON. In accordance with the President's request that top priority be given by the Banking and Currency Committee to the administration's proposals for amendments to the Nation's gold reserve requirements, I have agreed to introduce the administration's bill on the subject. I understand this will be transmitted to the Congress on January 28, at the same time as the President's economic message.

Also, in accordance with the President's request for prompt action on the administration bill, I have scheduled hearings on that bill before the full Banking and Currency Committee, beginning February 2, 1964, following my policy to give immediate attention to proposals on which the President has requested prompt action, regardless of my personal views on such proposals.

In addition to the administration bill, which I expect to introduce Thursday when it is received from the Secretary of the Treasury, Senator DOUGLAS has today introduced a bill on this subject, which would repeal the gold reserve requirements entirely. The hearings beginning February 2, 1965, will also include the consideration of this bill.

Any persons who wish to appear and testify before the committee on these bills are requested to notify Matthew Hale, chief of staff, Senate Banking and Currency Committee, room 5300, New Senate Office Building, telephone 225-3921.

I ask unanimous consent that a statement I made on January 23 be inserted in the RECORD at this point.

There being no objection, the statement was ordered to be printed in the RECORD, as follows:

STATEMENT BY SENATOR A. WILLIS ROBERTSON, DEMOCRAT, OF VIRGINIA, CHAIRMAN, SENATE COMMITTEE ON BANKING AND CURRENCY

At a conference of Senate leaders at the White House last night, the President expressed interest in prompt action on the administration bill to amend the Nation's gold reserve requirements. This bill is to be sent to the Congress January 28, along with the President's economic message.

In view of the President's interest in prompt action on the bill, and in view of the

heavy legislative program which the Senate will face later in the session, I will introduce, at the President's request, the administration bill on January 28. I have scheduled hearings before the full Banking and Currency Committee, beginning February 2, 1964.

The proposed legislation is of great importance to our domestic monetary system, and to our financial relations with foreign nations. It is, therefore, just as important that our hearings should be thorough and careful as it is that action should be prompt.

We plan to hear testimony from witnesses in support of the bill, starting with the Secretary of the Treasury and the Chairman of the Federal Reserve Board, on February 2, 3, and 4. The next week, February 9, 10, and 11, we expect to hear witnesses opposing the bill or proposing changes in it.

We shall, of course, be glad to receive statements and briefs from the public on the matter. However, in view of the desire of the President to give this matter top priority, we plan to limit the witnesses who appear to representatives of interested groups or to persons with some special knowledge or experience whose testimony would be of benefit to the committee and to the Senate.

During the consideration of the bill, and the important monetary questions which which will be involved, I trust that the President will renew his statement in support of "the Federal Reserve's traditional independence within the Government," which he made on October 26.

I trust the President will also express his determination to take any action necessary to correct the unfavorable balance of payments, which has been such an important factor in reducing our gold reserves, including careful review of the tremendous flow of dollars through the foreign aid programs and military expenditures around the world.

PRESIDENTIAL INABILITY—NOTICE OF HEARING

Mr. BAYH. Mr. President, as chairman of the Subcommittee on Constitutional Amendments of the Committee on the Judiciary, I wish to announce forthcoming hearings on Senate Joint Resolution 1, an amendment dealing with presidential inability and the filling of vacancies in the office of Vice President.

Because extensive hearings held in the 2d session of the 88th Congress resulted in the passage of an identical measure, we hope to limit our hearings to 1 day. The hearing is scheduled to begin at 10 o'clock a.m. on January 29, 1965, in room 2228 of the New Senate Office Building.

Due to the almost complete unanimity of agreement in the Senate on Senate Joint Resolution 1, which is a proposal identical with the one which was passed in the last session by a vote of 65 to 0, we hope to confine the hearings to 1 day.

I ask unanimous consent to have the names of Senator ALLOTT, Senator KENNEDY of Massachusetts, Senator KENNEDY of New York, and the majority whip, the Senator from Louisiana [Mr. LONG] added to the list of cosponsors of Senate Joint Resolution 1, at its next printing.

The PRESIDING OFFICER (Mr. HARRIS in the chair). Without objection, it is so ordered.

ADDRESSES, EDITORIALS, ARTICLES, ETC., PRINTED IN THE APPENDIX

On request, and by unanimous consent, addresses, editorials, articles, etc., were ordered to be printed in the Appendix, as follows:

By Mr. RANDOLPH:

An address by Senator A. S. MIKE MONROE to the Aero Club of Washington on January 26, 1965.

By Mr. MCGOVERN:

Address by Hon. Brooks Hays to the awards dinner of the 14th annual pilgrimage of the Religious Heritage of America, at Washington, D.C., on June 27, 1964.

By Mr. BASS:

Excerpts from reviews of the book "Congressman From Mississippi," by Frank E. Smith.

By Mr. TALMADGE:

Progressive Farmer citation of L. W. Eberhard, Jr., as "Man of the Year" in service to agriculture.

By Mr. MCCARTHY:

Article entitled, "Latin Hopes Are High for Good Year," written by Juan de Onis, and published in the New York Times of January 22, 1965.

By Mr. BYRD of Virginia:

Article on Douglas MacArthur and Winston Churchill, written by Vermont Royster, and published in the Wall Street Journal of January 25, 1965.

PRESENTATION OF GAVELS TO PRESIDENT OF THE SENATE

Mr. YARBOROUGH. Mr. President, I have been given a pleasant duty today by a good citizen of my State, Mr. Tom Martin, of Atlanta, a woodworker, whose hobby is making gavels. He has made gavels and presented them to recent Presidents and Vice Presidents of the United States and to the Speakers of the House, including the present Speaker.

It is my privilege to present, if the Presiding Officer will accept them, these gavels from Mr. Tom Martin, of Atlanta, Tex., a citizen of good character.

The first gavel is made of wood from a pecan tree and bears on it the six flags that have flown over Texas—those of France, Spain, Mexico, the Republic of Texas, the Confederacy, and the 50-star present U.S. flag.

The other gavel is made from wood of trees from three States.

This is the executive gavel made from woods from the States of Texas, Minnesota, and Massachusetts, and bears upon each kind of wood the likenesses of the President of the United States, Lyndon Baines Johnson, Vice President Hubert Horatio Humphrey, and the Speaker of the House, John W. McCormack. Each of the woods of the respective States has the name of the State placed upon it.

If the Vice President will receive them, on behalf of the citizens of the State I represent, I should like to present them to him, with the request that some time during this session the Vice President will use these gavels in presiding over the Senate.

The VICE PRESIDENT. The Chair gratefully accepts these gavels.

Mr. YARBOROUGH. I hold in my hand the letter which describes the woods of the respective States, which I

send to the Vice President along with the gavels.

The VICE PRESIDENT. The letter will be also gratefully received.

NOMINATION OF CURTIS E. LEMAY TO BE A FULL GENERAL IN RETIREMENT

Mr. STENNIS. Mr. President, the Executive Calendar of the Senate again reflects the name of Gen. Curtis E. LeMay in connection with the confirmation of his appointment in retirement as a full general. As General LeMay is slated for early retirement, perhaps this is the last time his name will appear on our Executive Calendar.

General LeMay leaves big tracks on the pages of history. He has been one of the truly great leaders of our military forces for more than three decades. His outstanding leadership began in his youthful days as a fighting pilot and a unit commander in World War II, when his achievements were of the highest possible order as a fighter, as a leader, and as a strategist.

Following World War II, General LeMay was far in the forefront in planning and developing our present Air Force. Further, he has often been properly called the chief architect of the Strategic Air Command of the Air Force, and he has been its foremost authority and commander for many years. More recently he has served with great distinction as Chief of Staff of the Air Force.

General LeMay is no ordinary man. He has great courage, foresight, and skill. He is a doer of many things. While he has always striven for the utmost in attainment, he has never been an extremist. He is a man of rare judgment and discretion. His judgment can always be relied upon and has been relied upon and often followed by Congress, over which, of course, he had no control, but an abundance of persuasion and respect.

Further, he inspires confidence, and has never betrayed it. He made us a strong nation in air power and has been a tremendous influence for good in his great profession.

Senators who have dealt with General LeMay and who are familiar with his record appreciate his great services and fine patriotism, his upright character, and the honorable course he has always followed and inspired others to follow with him.

General LeMay has richly earned, and I hope that he will enjoy, many more years of satisfaction and the blessings and thanks of our Nation and the gratitude of humanity.

PRIVATE HOSPITAL INSURANCE FOR THE AGED THROUGH SOCIAL SECURITY

Mr. ANDERSON. Mr. President, the sharply rising cost of hospital care is one of the principal reasons behind the proposal to provide private hospital insurance to the aged through social security.

The hospitals of this country have been faced with a serious problem re-

sulting from public assistance programs which pay for only a portion of the cost of charity patients; in effect, a payments gap. The hospitals, of course, must find some way to continue to operate and so regular patients must pay higher costs in order to make up, at least partially, for the welfare patients. Additionally these patients, many of whom have modest incomes themselves, also pay taxes in order to provide public assistance. Thus, they are carrying a double burden.

The King-Anderson bill would help the hospitals tremendously by paying the reasonable costs of care for the aged. The King-Anderson bill also provides alternative care when medically advisable to the more expensive hospital care.

The American Hospital Association is deeply concerned about the fiscal difficulties which confront hospitals under existing public assistance programs. The American Hospital Association has made significant contributions to improvements in hospital care and in planning designed to modernize our hospital system.

An article by Eve Edstrom in the Washington Post of January 17 deals with the problems I have just mentioned. I ask unanimous consent that it be printed at this point in the RECORD.

There being no objection, the article was ordered to be printed in the RECORD, as follows:

MEDICARE IS SEEN AS COST STABILIZER

(By Eve Edstrom)

The administration's medicare plan for the aged could well have a stabilizing effect on hospital costs.

This is because hospitals take care of many charity patients. Sometimes the hospitals receive partial reimbursement, sometimes they do not.

Thus, the cost of caring for these patients is reflected in the bills paid by patients who can afford care. And this is one reason why hospital bills have gone up and up.

But the administration's medicare proposal would reimburse the hospitals for all reasonable costs of caring for the aged. This would represent a stable source of income to hospitals and, according to supporters of the plan, should act as a brake on spiraling hospital costs.

UNKNOWN FACTORS PLAY ROLE

However, critics of medicare point out there are many unknown factors that could continue hospital costs on their sky-high path.

For example, the nonprofit hospitals are exempt from Federal minimum wage, unemployment compensation and collective bargaining laws. If legislative attempts to remove these exemptions are successful, the American Hospital Association predicts that hospital costs could go up at least one-third.

Critics also insist that once financial barriers to hospital care for the aged are removed, there will be such excessive demands on the hospitals that an ever-increasing number of new hospital beds will be needed.

This expressed fear does not square with the often voiced contention of the medical profession that all of the aged who need care are getting it and, therefore, medicare is not necessary.

CONTROL HOSPITALIZATION

The argument that medicare will bring the aged to hospitals in droves also overlooks the fact that the very doctors who now admit patients to hospitals will be responsible for admitting the aged under medicare.